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IN THE

Supreme Court of the United States

October Term, 1976

No. 76-1810

CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER, a body corporate and politic; MEMBERS OF THE BOARD OF WATER AND POWER COMMISSIONERS OF THE DEPARTMENT OF WATER AND POWER, CITY OF LOS ANGELES; MEMBERS OF THE BOARD OF ADMINISTRATION OF THE DEPARTMENT OF WATER AND POWER EMPLOYEES' RETIREMENT, DISABILITY AND DEATH BENEFIT INSURANCE PLAN; HENRY G. BODKIN, JR.; KATHERINE B. DUNLAP; BURTON J. GINDLER; MICHAEL GLAZER; HERBERT C. WARD; LOUIS J. WEIDNER, JR.; RALPH E. POWELL; LEO W. SUDMEIER, JR.; WILLIAM D. SACHAU; and ROBERT V. PHILLIPS,

Petitioners,

vs.

MARIE MANHART, CAROLYN MAYSHACK, MARGERIE STOOP, ALICE F. MULLER and ETHEL L. LEHMAN, individually and on behalf of all other persons similarly situated; COMMITTEE TO PROTECT WOMEN'S RETIREMENT BENEFITS; and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION NO. 18,

Respondents.

PETITIONERS' REPLY BRIEF.

BURT PINES, *City Attorney,*

EDWARD C. FARRELL, *Chief Assistant City Attorney for Water and Power,*

J. DAVID HANSON, *Deputy City Attorney,*

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MARIE MANHART, CAROLYN MAYSHACK, MARGERIE STOOP, ALICE F. MULLER and ETHEL L. LEHMAN, individually and on behalf of all other persons similarly situated; COMMITTEE TO PROTECT WOMEN'S RETIREMENT BENEFITS; and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION NO. 18,

Respondents.

PETITIONERS' REPLY BRIEF.

I

Since Respondents Concede the Conflict Between This Case and General Electric Co. v. Gilbert, Petitioner Is Entitled to a Hearing by This Court.

Respondents concede that the opinion of the Court below is contrary to that of this Honorable Court in *General Electric Co. v. Gilbert*, ... U.S. ...., 50 L. Ed. 2d 343, 97 S. Ct. 401 (1976). (R.B. 12-13.)[1] However, respondents ask this Court to "overrule" *sub silentio* the plain language of the statute (Bennett Amendment) and its own opinion in *General Electric*.

The difficulty with respondents' position is that the Supreme Court has interpreted the Bennett Amendment, has done so contrary to the court below in this case, and the Bennett Amendment is the controlling statute in this case.

Title VII prohibits certain unlawful employment practices which it carefully defines. The very same section states that it is *not* an unlawful employment practice to differentiate upon the basis of sex in payment of compensation. (42 U.S.C. §2000e-2.) It says:

> "It shall not be an unlawful employment practice . . . to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees . . .".

To assume as did the lower courts that there can be no differentiation upon the basis of sex contradicts the statute. No one can read so much of the statutory language and legitimately conclude that Title VII is a blanket prohibition against differentiation upon the

[1]Reference to "R.B. 1-2" etc. are to pages of the Respondents' Brief in Opposition to Petition for Writ of Certiorari.

basis of sex in payment of compensation. According to the statutory language such differentiation is not *ipso facto* an unlawful employment practice.

The above statutory language provides that differentiation upon the basis of sex in determining compensation is not unlawful discrimination *if* such differentiation is permitted by the Equal Pay Act.[2]

The Equal Pay Act in turn says it is not *ipso facto* unlawful to pay different compensation to one sex than the compensation paid to the opposite sex. Differential compensation is unlawful *only* if there is no other factor other than sex that is the basis for the payment differential.

Again, no one can read the language of the Equal Pay Act and conclude that it is *ipso facto* unlawful to differentiate upon the basis of sex in the payment of compensation.

To reach the opposite conclusion, one would also have to reject the statutory language in Title VII: "It shall not be an unlawful employment practice to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees . . . if authorized by [The Equal Pay Act]."

[2]Respondents wrongly argue that whether the "practice violated the Equal Pay Act is not at issue [sic] in this case" (R.B. p. 2 fn. 1). It is a *central* issue. Since Title VII declares it is *not* an unlawful employment practice to differentiate upon the basis of sex if authorized by the Equal Pay Act, the question whether the practice is prohibited or permitted by the Equal Pay Act is a central issue. *General Electric* explicitly recognizes that the Bennett Amendment incorporates the Equal Pay Act. It also recognizes that a major purpose of the Bennett Amendment is to permit differentiation upon the basis of sex with regard to retirement and disability plans.

This language expressly states that it is the intent of Title VII *and* the Equal Pay Act *not* to prohibit all differentiation in compensation based upon sex. The Randolph-Humphrey colloquy quoted in *General Electric* says precisely the same.[3] We have before shown that the legislative history as a whole compels the conclusion reached in *General Electric* and compels a result contrary to the result reached by the lower courts herein.

Here, the Department withholds from gross pay a pension contribution based upon age, sex, salary and length of service. This is not a determination based upon sex alone but on longevity. The Department makes a "differentiation upon the basis of sex in the payment of compensation" but the payment differential itself is for the factor of longevity and not for sex alone.[4] Hence, it is *not* an unlawful employment practice.

Respondents argue that even though there is a conflict (which they concede) between *General Electric* and the instant case that the decision in *General Electric* should now be ignored by this Honorable Court. This argument

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[3]Respondent makes the unfounded argument that Senator Humphrey is supposed to have said that Title VII did not apply to industrial benefit plans. (R.B. 13.) What was said in the Randolph-Humphrey exchange (as this Honorable Court recognized), was that differential treatment or differential payments are permitted if the payment differential is for another factor other than sex (such as longevity) and not for sex alone.

[4]There is another reason why the decision herein is contrary to *General Electric*. The Plan also pays disability benefits, *including benefits for pregnancy*. If an employer can exclude pregnancy as *General Electric* holds, it follows that the total compensation package for males and females may be considered in determining whether the employer is unlawfully discriminating against women. The granting of summary judgment precluded determination of this issue also.

is an improper invitation to this Court to deliberately commit two fundamental errors.

First, it asks this Honorable Court to disregard the statute which it interpreted and applied in *General Electric*, which statute says that differentiation upon the basis of sex with regard to compensation is not *ipso facto* an unlawful employment practice.

Second, it urges in effect that this Honorable Court act improperly by totally disregarding its own controlling opinion without granting a hearing and addressing the question forthrightly. It argues in effect that this Honorable Court should not only acquiesce in the egregious errors below, but compound them. Such arguments require no further refutation than to baldly state them.

II

The Principles of General Electric, Dependent as They Are on Facts Akin to This Case, May Not Be "Distinguished" Without Overruling General Electric.

The respondents argue in effect that *General Electric* should be limited to its peculiar facts *sub silentio*. In making this argument, they recognize that the principles set forth therein are applicable to this case, and conflict with the lower courts' holdings herein.

To limit *General Electric* to its facts would be tantamount to overruling it. That case interprets the statute; it relies for such interpretation on fact situations virtually identical to the instant case. To refuse to apply those principles to the instant case, as the lower courts did herein, is tantamount to the lower courts "overruling" the decision of this Court.

Moreover, when the Supreme Court has relied on a Wage and Hour Administrator's bulletin as recognition of the fact that differential payment for longevity is proper, it is hardly appropriate for the lower court to rely on different bulletins to "overrule" the conclusion of the Supreme Court.

Furthermore, the facts in *General Electric* are not distinguishable in their basic concept. In *General Electric,* as in this case, the total compensation paid to women is not less than that paid to men. (R.B. 10, *General Electric, supra,* 50 L. Ed. 2d 343, 356 and footnotes 17 and 18.) The Court therein *also* noted that there was no proof that the package offered to men was in fact worth more than the package offered to women.[5] (R.B. 10, *General Electric, supra,* 50 L. Ed. 2d 343, 356.)

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[5]Respondents wrongly state (R.B. 7, fn. 6) that "Water and Power abandoned its use of sex-segregated classification [sic] tables." Such have never been abandoned. On January 1, 1975 petitioners were required by California Government Code §7500 to *prospectively* lower the female contribution rate to that of the "equivalent" male. The validity of that statute is not before the Court. However, it appears to subject petitioners to potential liability to the males in that total compensation to males is thereby *not* the actuarial equivalent of total compensation to females. Thus, your petitioners are in the "no win" situation set forth in *General Electric, supra,* 50 L. Ed. 2d 343, 356 fn. 18. Furthermore, petitioners still pay retirement options and other retirement benefits under the Plan according to sex-differentiated actuarial tables. Respondents imply that because of the lowered contribution rate nothing remains to be resolved. However, the *final* judgment herein prohibits *past* as well as prospective differentiation in contribution rates, awards respondents substantial refunds of prior contributions, including interest and attorneys' fees, and provides potential authority for further refunds under remaining causes of action alleged pursuant to the 14th Amendment. On discrimination against males we also invite the Court's attention to the fact that the EEOC has said that it has "reasonable cause" to believe the Plan discriminates against males. (See EEOC "Decision" 75-147.)

Pension benefits are of course funded on a group basis. If, as indicated in *General Electric,* the employees purchased their own benefit plan on the open market, the women, instead of paying *slightly* more than the men as they do under the Plan, would have to pay *considerably* more for the same pension benefits as they receive under the Plan. This is shown by the fact that the Department contributes considerably more for female benefits than for males. In addition each employee has the option on resignation or retirement to recover all such employee's contributions.

The *stipulated* fact herein is that women as a class outlive men as a class. The total benefit package offered to females is actuarially equal to or greater than that offered to males.

Certainly, there are individual females who will not in fact live as long as the average female. So too are there males that will not live as long as the average male. But the life expectancy of each female is longer than each male. Actuarially, the short-lived male has a shorter life span than the short-lived female. For every woman who does not live as long as the group "females" there is a man who will not live as long as the group "males" or as long as his female "counterpart."[6] The *proper* comparison between a male

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[6]Respondents at R.B. 10 cite *Henderson v. Oregon,* 405 F.Supp. 1271, 1275 fn. 5, for the misleading proposition that 84% of people share "common" death ages. Such conclusion was based on an unsubstantiated document, never subjected to cross-examination and inapplicable in the first place. The graph showed that commencing with retirement, at *every* age substantially more females survived than males. At age 83, 34,400 males remained and 51,200 females, to be provided with pension benefits. The Respondents' proposition has no meaning because it equates death at 65 with death at 100

(This footnote is continued on next page)

and his true "counterpart" shows the male will not live as long. The argument that *some* females will not live as long as the average female is specious, because such females will live longer than the corresponding males.

III

In Failing to Make De Novo Determinations and Failing to Follow General Electric, the Lower Courts Departed From the Accepted Course of Judicial Proceedings, Exceeded Their Jurisdiction, and Denied Petitioners Due Process.

We have before pointed out that administrative "bulletins" and "guidelines" which the lower courts treated as law, were issued *without* prior notice and public hearing. Hence even if they were regulations (which they are not) they could not be given effect by the courts without violating the Due Process clause of the 5th Amendment.

A fortiori, where Congress has intentionally withheld quasi-legislative and quasi-judicial authority from *both* the Wage and Hour Administrator *and* from the EEOC, the "guidelines" and "bulletins" of such agencies may not be given effect as if they were duly issued regulations without violating Due Process.

More than that, only Congress may create Article III courts and define their jurisdiction; and only Congress may delegate quasi-legislative and quasi-judicial authority to administrative agencies. Article III courts do not have the authority to delegate judicial power

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when the *real* issue is funding benefits payable up to death at *each* age as such deaths occur. What is also significant is that your petitioners have not been given the opportunity to put on a case for the strength of their position actuarially.

to inferior tribunals; it follows *a fortiori* that such courts do not have authority to delegate quasi-legislative or quasi-judicial power to administrative agencies.

Hence the lower courts constitutionally may not, under the rubric of "deference" or otherwise, in effect *delegate* to the administrative agencies an authority other than whatever authority the Congress may have delegated to such agencies.

The law of Title VII absolutely requires that the trial court afford defendants a *de novo* determination on the question whether they have violated the statute. ". . . [C]ourt actions under Title VII are *de novo* proceedings. . . ." *McDonnell Douglas Corp. v. Green,* 411 U.S. 792, 799 (1973). This your petitioners were denied by the lower courts' "delegation/deference" to the administrative agencies, an act which not only was therefore a denial of due process but was also clearly in excess of jurisdiction of the Courts below.

The question whether defendants have "violated" a so-called regulation (*nee* guideline) is totally irrelevant since no bulletin or guideline is a regulation.

In *General Electric,* this Honorable Court plainly said that EEOC guidelines are not regulations. Respondents concede the conflict between *General Electric* and the instant case on this point when they say that *General Electric* "undermined" the EEOC's authority (R.B. 12). More properly stated, *General Electric* (a decision of the highest Court constituted by Article III) correctly held that the EEOC did not have the authority it has pretended to, by having its "guidelines" published in the Code of Federal Regulations, and by other acts.

Likewise, the fact that the EEOC issued a reasonable cause opinion (in an entirely different case) that a practice is unlawful, is of no more moment than a police officer's statement of what he considers "reasonable cause" to issue a warrant or make an arrest is relevant in a subsequent prosecution. Yet, the District Court relied on a "police officer's" statement when it cited EEOC Dec. 74-118 (Petition p. B-3).

The majority on rehearing relied on the "amicus" brief of the Secretary of Labor as "authority" for the proposition that there is no conflict between the administrative agencies. The respondents also rely on this "authority".

Under the Freedom of Information Act, however, your petitioners have finally obtained confirmation by the Justice Department that the conflict exists and that legislation is required to reach the result arrived at by the lower courts.

The letter to the President states:

> "The Labor Department interpretations under the Equal Pay Act . . . state that an employer is in compliance if it makes equal contributions to the retirement plan for similarly situated employees. EEOC, on the other hand, has taken the position . . . that the only way to comply with Title VII . . . is to provide equal periodic benefits." (See Appendix A).

Given the Labor Department's interpretation, it is absolutely untenable to assert that an employer may not differentiate on the basis of sex longevity because the interpretation above-quoted will necessarily result in unequal periodic benefits to males and females.

Further, the two administrative interpretations are in absolute conflict and can best be resolved by a reasonable compromise such as your petitioners' plan.

If an employer may contribute unequal amounts to pay equal periodic benefits, or equal periodic amounts to pay to the employees unequal periodic benefits, it is sophistry to hold (as the lower courts did) that employees may not be required to pay a larger proportion of the larger benefits which they receive in comparison to the other employees.

The conflict between the agencies is clear.

We also note that the federal government has failed to disclose the actuarial study of the estimated cost that this change in the law will bring about. They also did not disclose the memoranda of the background of the issues in this area. (See Appendix A.) As we pointed out in our petition the cost is horrendous.

IV

The Failure to Differentiate Upon the Basis of Other Characteristics Does Not Make Unlawful the Differentiation Upon the Basis of Sex Plus Age When the Payment Differential Is for Longevity and Not for Sex Alone.

The majority opinion of the Court of Appeals holds that actuarial tables which measure life expectancy as related to sex and age, are not sufficient to be acceptable under Title VII as a basis for differentiation in compensation between the sexes. The opinion infers that the failure to include a number of other characteristics which arguably may also affect longevity, such as smoking, drinking and obesity, makes such tables unacceptable.

Such reasoning is its own refutation. If sex plus age (*i.e.* longevity) can not be an "other factor other than sex" warranting a payment differential under the Bennett Amendment in and of itself, the addition of other characteristics will not make it so. The addition of other characteristics will not alter the underlying basic difference in life expectancy between males and females of the same age. It will only add other characteristics—sex neutral characteristics—on top of "differentiation upon the basis of sex." (42 U.S.C. §2000e-2.)

Either age plus sex-differentiated actuarial tables are permissible under the Bennett Amendment, or they are not. Either they constitute invidious discrimination or they do not. To hold that they might be acceptable if they also incorporate differentiation for smoking, drinking, obesity, and the like, is to acknowledge that such tables are acceptable.

The mere fact that your petitioners could have incorporated other characteristics affecting longevity does not mean that they must, nor does it invalidate the characteristics used.

This Honorable Court has recognized that women have a longer life expectancy than men (*Reed v. Reed,* 404 U.S. 71, 75 (1971)). The parties agreed below to that fact. In *General Electric,* this Court recognized the right of an employer to exclude employment benefits for a single disability, pregnancy, which impacted on one sex, females, without being in violation of Title VII. The fact that the employer might have excluded benefits for other disabilities did not invalidate the exclusion of benefits for the single condition, pregnancy. Similarly, the mere fact that there are other factors which may or may not affect longevity does

not invalidate the use of age plus sex related to longevity, alone. To hold to the contrary is to suggest that the Court in *General Electric* could permit exclusion of benefits for pregnancy under Title VII only if it found there was exclusion of benefits for a significant number of other disability conditions.

This case was decided on summary judgment. The only proven statistics before the Court are longevity as related to sex and age. If respondents can show that the other factors referred to are reliable, and longevity as related to sex is not, then the parties should proceed to trial.

Certainly, your petitioners could consider other factors. However, the question is not whether they may, but whether they must, particularly if trial would show that the only reliable factors are those proven by the Department.[6]

Conclusion.

Respondents accuse petitioners of having "three bites from the apple" and now being "hungry for more."

The tragedy is that your petitioners have yet to see the apple. They seek a de novo determination in a court on questions of law and of fact. The matter was decided on summary judgment in which the lower courts, contrary to their Constitutional duty to independently determine the law, de novo, "deferred" entirely to the administrative agencies for decision of the case. Not only did the Court of Appeals abdicate

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[6]It is significant that in *Phillips v. Martin-Marietta Corp.,* 400 U.S. 542 (1971), the leading case cited by respondents, the Supreme Court still remanded the matter for trial requiring the employees to prove discrimination and allowing the employer to prove its practice lawful.

in favor of the administrative agencies, but it did so contrary to statute, Congressional history and the clear current expression of law of this Honorable Court in *General Electric*.

Respondents seem to suggest that due process has a numerical limitation. But due process includes the right to a fair hearing de novo which has so far been denied your petitioners.

Petitioners seek no more than that. As suggested by Judge Kilkenny on rehearing:

"set aside the judgment of the lower court and remand for a trial on the issue of whether the distinctions under the plan are mere pretexts designed to effect an invidious discrimination against members of the female sex."

We respectfully petition the court to grant Certiorari.

BURT PINES, *City Attorney*,
EDWARD C. FARRELL, *Chief Assistant City Attorney for Water and Power*,
J. DAVID HANSON, *Deputy City Attorney*,
DAVID J. OLIPHANT, *Deputy City Attorney*,
By DAVID J. OLIPHANT, *Deputy City Attorney*,
Attorneys for Petitioners.

APPENDIX "A".

Office of the Deputy Attorney General
Washington, D.C. 20530

Cecil W. Marr, Esquire
Deputy City Attorney
Office of City Attorney
City Hall East
Los Angeles, California 90012

Dear Mr. Marr:

You appealed from the denial by Deputy Assistant Attorney General James P. Turner, Civil Rights Division, of your request for access to certain records of the Department of Justice.

I am satisfied that the materials you seek are exempt from mandatory release pursuant to the provisions of 5 U. S. C. 552(b)(5). After careful consideration, however, I have decided to make these materials available to you as a matter of my discretion, having obtained the concurrence of the White House and having concluded that release will not be detrimental to the interests of the Department of Justice. One of the records being released to you, the report to the President from the Equal Employment Opportunity Coordinating Council, dated April 14, 1976, refers to certain enclosures in the closing paragraph. A search of all pertinent files has located only one of the mentioned enclosures, a preliminary draft of proposed legislation, which is being provided to you.

Sincerely,
Peter F. Flaherty
Deputy Attorney General
/s/ By: Quinlan J. Shea
Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

Enclosures

The Deputy Attorney General
Washington, D.C. 20530
April 15, 1976

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

As Chairman of the Equal Employment Opportunity Coordinating Council, I believe I owe you an explanation for the absence of one member agency's signature—that of the Equal Employment Opportunity Commission—on the attached letter to you from the Council.

This pension study, as you know, represents the combined efforts of six agencies, with differing jurisdictions and consequently differing outlooks on the pension issue. Achieving unanimous agreement on a common recommendation was no small task. Nevertheless, at our meeting on March 30 of this year, the Council reached unanimous agreement on the substance of its letter, subject to certain redrafting and expansion of details thereof and the preparation of a proposed draft bill. Agreement on the expanded letter and the proposed bill was achieved on or about April 13, 1976.

On April 14 and 15, however, the Equal Employment Opportunity Commission was unwilling to sign the letter, for reasons which would have required reopening the inter-agency discussions at this late date. As the April 15 deadline for this letter already represents the entire six months' time extension which you so graciously granted this Council, I chose not to recommence our efforts.

Respectfully,
/s/ Harold R. Tyler Jr.
Harold R. Tyler, Jr.

Attachment

The Deputy Attorney General
Washington, D.C. 20530
April 14, 1976

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

In response to your request, the Equal Employment Opportunity Coordinating Council has been working to develop a uniform approach to questions of law and policy regarding differentiation in retirement plan benefits on the basis of sex. The differentiation results from the use of sex-based actuarial tables. That is, when an employer makes equal contributions for men and women to a retirement benefit plan, female employees because of their longer average life span, receive lower periodic benefits than similarly situated men under a single life annuity.

The basic issue is whether employers who sponsor retirement benefit plans for their employees are required to provide equal periodic benefits to male and female employees at retirement. The Labor Department interpretations under the Equal Pay Act and Executive Order 11246, as amended, and the regulations of the Department of Health, Education, and Welfare under Title IX of the Education amendments of 1972 state that an employer is in compliance if it makes equal contributions to the retirement plan for similarly situated employees. EEOC, on the other hand, has taken

the position in its 1972 Guidelines on Discrimination in Employment Because of Sex and in court cases that the only way to comply with Title VII of the Civil Rights Act of 1964, as amended, is to provide equal periodic benefits.

All the member agencies of the Coordinating Council and HEW (which has been meeting with the Council on this issue) are agreed that it is a matter of sound public policy that periodic payments made to retired employees pursuant to the terms of employee benefit plans should not reflect a differentiation based on sex. This belief is grounded on the view that employees who have received equal pay and status during their working years ought to be assured of an equal income during retirement.

Because Congress has not made this position completely clear in existing statutes, the Council is recommending that you ask the Congress to enact legislation which would

—Require that all persons retiring on and after a date certain, *e.g.* January 1, 1980, under the terms of an employee retirement plan providing periodic benefits based on the employee's life receive periodic payments which do not reflect a differentiation based on sex.

—(EEOC believes that sound policy and the Congressional intent indicated in Title VII and ERISA mandate that an equal periodic payment requirement should also apply to survivors options and would want to request of the Office

of Management and Budget authorization to testify concerning its belief in this regard.)

—Require that if an employee retirement plan provides for retirement benefits in the form of a lump sum on and after the effective date, such lump sums shall be in amounts sufficient to purchase life annuities which provide periodic payments which do not vary because of the sex of the purchaser.

While the legislation is pending, EEOC will continue to process charges and implement its present perception of the law in court.

The Commission on Civil Rights believes that Title VII prohibits the current practice of paying unequal periodic benefits to men and women. The Commission believes that the current EEOC Guidelines can be fully justified by case law. The Commission sees no need for legislation. If, however, legislation is proposed, the Commission believes that Congress should consider mandating sex-neutral practices by the insurance industry, applicable to all forms of insurance.

We have enclosed for your consideration a preliminary draft of proposed legislation to implement our recommendation; a copy of a report prepared for the Council by actuaries who estimated the cost of the

proposed changes, and memoranda by the Solicitor of Labor and the Chairman of the EEOC setting forth the background of the issues in this area.

Sincerely,

/s/ Harold R. Tyler, Jr.
Harold R. Tyler, Jr.
Deputy Attorney General
and
Chairman, Equal Employment
Opportunity Coordinating
Council

/s/ W. J. Usery, Jr.
W. J. Usery, Jr.
Secretary of Labor

/s/ David Mathews
David Mathews
Secretary of Health, Education,
and Welfare

/s/ Arthur S. Flemming
Arthur S. Flemming
Chairman, Commission on Civil Rights

/s/ Robert E. Hampton
Robert E. Hampton
Chairman, Civil Service Commission